PLAINTIFF'S
EXHIBIT
AIA-114

NICOLET, INC.
Executive Offices
25 Skippack Pike
(Broad Axe)
Ambler, Penna. 19002

GUY G. GABRIELSON, JR.
Chairman of the Board

August 27, 1976

Dr. Philip Enterline
Dept. of Biostatistics
Graduate School of Public Health
University of Pittsburgh
Pittsburgh, PA 15213

Dear Phil:

Please accept my thanks for your very valuable contribution to the deliberations of our Legal/Medical Research Committee in New York last Tuesday. Since it is still too early for you to reach any definitive conclusions about the development of our knowledge of asbestos and cancer, your presentation was valuable primarily because it evidenced the objectivity and thoroughness of your work and your interest in the subject. Some of the participants may have been disappointed to learn that the "state of the medical art" defense, when properly researched and documented, probably will not prove to be a panacea for all third party liability suits; but they all must face reality and the sooner the better. All the participants, however, were most favorably impressed by your comments and realize now the importance of your research and of learning, once and for all, the facts about the evolution of our understanding of asbestos and health over the last few decades.

I hope that you will forgive Denny Markuson for trying, as Wendell Alcorn has in the past, to persuade you to consent to become an expert witness for defendant companies. I can understand their sentiments. One cannot listen to Phil Enterline without being impressed by his logical and reasoned approach to a problem, his capacity for analysis and his objectivity; it is readily apparent that he would make a very effective witness. Our understanding is, however, that you will do the literature research on asbestos and cancer and write a scholarly paper if the research provides the material for such a paper; and that you have no obligation to appear as a witness in any cause.

It also is our understanding that your work does not include any study of the changes in our perceptions of asbestosis. As Markuson pointed out, we may, indeed, have to find someone to undertake such an assignment. Plaintiffs' attorneys may argue that our knowledge of the risk of asbestosis gave rise to a general duty to warn that asbestos dust is a health hazard so that, in the absence of such a warning, we remain liable to someone who has contracted, not asbestosis, but mesothelomia or bronchogenic cancer. Our defense to that argument might be that, at the time, we believed that asbestosis was caused only by high levels of exposure

and there were no such levels generated by the fabrication of asbestos products or, at least, that they had not been reported and we were unaware of them. Obviously, if, without unduly burdening or delaying the asbestos/cancer study, you can generate any raw data concerning knowledge of asbestosis that would be useful in support of such an argument, it would be helpful to us to have it placed in your files and indexed.

Thanks again for your contribution to the meeting, Phil. It seems to me that you are embarked upon a very interesting and significant undertaking. I look forward to hearing your next progress report at the AIA conference in Washington in September.

Sincerely,

Guy G. Gabrielson, Jr.

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